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17 and OTTOMOTTO LLC

18 UNITED STATES DISTRICT COURT
19 NORTHERN DISTRICT OF CALIFORNIA
20 SAN FRANCISCO DIVISION

21 WAYMO LLC,
22 Plaintiff,
23 v.
24 UBER TECHNOLOGIES, INC.,
25 OTTOMOTTO LLC; OTTO TRUCKING LLC,
26 Defendants.

Case No. 3:17-cv-00939-WHA

**DEFENDANTS UBER
TECHNOLOGIES, INC. AND
OTTOMOTTO LLC'S
ADMINISTRATIVE MOTION TO
FILE UNDER SEAL PORTIONS OF
THEIR MOTION TO EXCLUDE
TESTIMONY AND OPINIONS OF
WAYMO'S DAMAGES EXPERT
MICHAEL WAGNER**

Pursuant to Civil Local Rules 7-11 and 79-5, Defendants Uber Technologies, Inc. and Ottomotto LLC (“Defendants”) submit this motion for an order to file under seal portions of their Motion to Exclude Testimony and Opinions of Waymo’s Damages Expert Michael Wagner. Specifically, Defendants request an order granting leave to file under seal the confidential portions of the following documents:

Document	Portions to Be Filed Under Seal	Designating Party
Motion to Exclude Testimony and Opinions of Waymo’s Damages Expert Michael Wagner (“Motion”)	Highlighted Portions	Defendants (Blue) Plaintiff (Green)
Exhibit 1 to the Declaration of Matthew R. Berry	Entirety	Plaintiff
Exhibit 2 to the Declaration of Matthew R. Berry	Entirety	Defendants
Exhibit 3 to the Declaration of Matthew R. Berry	Entirety	Plaintiff
Exhibit 4 to the Declaration of Matthew R. Berry	Highlighted Portions	Defendants (Blue)
Exhibit 5 to the Declaration of Matthew R. Berry	Entirety	Defendants
Exhibit 6 to the Declaration of Matthew R. Berry	Highlighted Portion	Defendants (Blue)
Exhibit 7 to the Declaration of Matthew R. Berry	Highlighted Portions	Defendants (Blue)
Exhibit 8 to the Declaration of Matthew R. Berry	Entirety	Defendants
Exhibit 9 to the Declaration of Matthew R. Berry	Entirety	Plaintiff
Exhibit 10 to the Declaration of Matthew R. Berry	Highlighted Portions	Plaintiff (Green)
Exhibit 11 to the Declaration of Matthew R. Berry	Entirety	Defendants

Document	Portions to Be Filed Under Seal	Designating Party
Exhibit 12 to the Declaration of Matthew R. Berry	Highlighted Portions	Defendants (Blue)
Exhibit 13 to the Declaration of Matthew R. Berry	Highlighted Portions	Defendants (Blue)
Exhibit 14 to the Declaration of Matthew R. Berry	Entirety	Defendants
Exhibit 15 to the Declaration of Matthew R. Berry	Highlighted Portions	Defendants (Blue)
Exhibit 19 to the Declaration of Matthew R. Berry	Entirety	Plaintiff
Exhibit 21 to the Declaration of Matthew R. Berry	Entirety	Plaintiff
Exhibit 22 to the Declaration of Matthew R. Berry	Entirety	Defendants
Exhibit 23 to the Declaration of Matthew R. Berry	Entirety	Defendants
Exhibit 24 to the Declaration of Matthew R. Berry	Entirety	Defendants

The blue-highlighted portions of the Motion, the entirety of Exhibits 2, 5, 8, 11, 14, 22, 23, and 24 to the Berry Declaration, and the blue-highlighted portions of Exhibits 4, 6, 7, 12, 13, and 15 to the Berry Declaration contain highly confidential information regarding Uber's business forecasts and projections, organization run rates, market comparables, development strategies and performance on milestones, and responses to interrogatories regarding time and cost estimates for redesign of accused features. This highly confidential information is not publicly known, and its confidentiality is strictly maintained. Disclosure of this information could allow competitors to obtain a competitive advantage over Uber by giving them details into Uber's business and development strategies, such that they could tailor their own strategies and Uber's competitive standing could be significantly harmed. (Decl. of Halley Josephs in Support of Defendants' Administrative Motion to File Documents Under Seal ("Josephs Decl.") ¶ 3.)

1 The green-highlighted portions of the Motion, the entirety of Exhibits 1, 3, 9, 19, and 21
2 to the Berry Declaration, and the green-highlighted portions of Exhibit 10 to the Berry
3 Declaration contain information that has been designated “Highly Confidential – Attorneys’ Eyes
4 Only” or “Confidential” by Waymo in accordance with the Patent Local Rule 2-2 Interim Model
5 Protective Order (“Protective Order”), which the parties have agreed governs this case (Transcript
6 of 3/16/2017 Hearing, page 6). Defendants file this material under seal in accordance with
7 Paragraph 14.4 of the Protective Order. (Josephs Decl. ¶ 4.)

8 Pursuant to Civil Local Rule 79-5(d)(2), Defendants will lodge with the Clerk the
9 documents at issue, with accompanying chamber copies.

10 Defendants served Waymo with this Administrative Motion to File Documents Under
11 Seal on September 16, 2017.

12 For the foregoing reasons, Defendants request that the Court enter the accompanying
13 Proposed Order granting Defendants’ Administrative Motion to File Documents Under Seal and
14 designate the service copies of these documents as “HIGHLY CONFIDENTIAL –
15 ATTORNEYS’ EYES ONLY.”

16
17 Dated: September 16, 2017

SUSMAN GODFREY LLP

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19 By: /s/ William Christopher Carmody
William Christopher Carmody

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21 Attorneys for Defendants
22 UBER TECHNOLOGIES, INC.
23 and OTTOMOTTO LLC
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ATTESTATION OF E-FILED SIGNATURE

I, Arturo J. González, am the ECF User whose ID and password are being used to file this Motion. In compliance with General Order 45, X.B., I hereby attest that William Christopher Carmody has concurred in this filing.

Dated: September 16, 2017

/s/ Arturo J. González

ARTURO J. GONZÁLEZ